

Introduced by Senator Ashburn

February 16, 2006

An act to amend Sections 8421, 8422, 8425, 8426, 8427, 8428, 8482.3, 8482.5, 8482.55, 8482.8, 8483, 8483.1, 8483.2, 8483.4, 8483.7, 8483.75, 8483.9, 8484.6, 8484.7, 8484.75, 8484.8, and 8484.9 of, to add Sections 8421.5 and 8482.4 to, to repeal Sections 8482.5, 8483.25, 8483.7, 8483.8, 8483.9, 8484, and 8484.5 of, and to repeal and add Sections 8423, 8483.3, and 8483.55 of the Education Code, relating to before and after school programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1302, as introduced, Ashburn. Before and after school programs: grant management: funding priorities.

(1) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens program for the purpose of creating incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday.

This bill would expand the purpose of the program to include instruction and services designed to help pupils pass the high school exit examination required for high school graduation under certain provisions of existing law.

The bill would revise the program evaluation procedure and would delete certain program application criteria.

The bill would revise the funding procedure for grants under the program.

(2) Existing law, the After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School

Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program.

The act requires that grants made to public schools under the program for the 2003-04 fiscal year continue to be funded in each subsequent fiscal year at the 2003-04 fiscal year level before any other grants are funded under the act, if those schools continue to make application for the grants and are otherwise qualified under the act.

This bill, additionally, would require that an application for a grant under the act for a program that was formerly funded under certain provisions of existing law relating to community learning centers be funded under the act before any new grant is funded under the act, if the program is otherwise qualified under the act.

(3) The act authorizes the awarding of “After School Education and Safety Universal Grants” after the grants described in (2) above have been funded. Existing law requires that every public elementary, middle, and junior high school in the state have equal priority of funding for the specified universal grants.

This bill, instead, would require the community learning center grants described in (2) above to receive priority over all other new grant applications.

(4) The act exempts the grants described in (2) and (3) above from a requirement that priority for funding under the act be given to schools where a minimum of 50% of the pupils in elementary schools and 50% of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

This bill would delete that exemption.

(5) The act requires that all funds remaining from the continuous appropriation after the grants described in (2) and (3) above have been funded to be distributed as 3-year renewable incentive grants under certain provisions of existing law. Priority for these funds is required to be established pursuant to, among other things, certain provisions that require consideration of equitable distribution of grants in northern, southern, and central California, in urban, suburban, and rural areas, and consideration of certain other factors relating to program quality.

This bill would delete the requirement that priority for the specified funds be established pursuant to the specified provisions.

(6) Existing law requires the department to provide notice to all schools eligible for grants under the act of the availability of those grants as well as the process for making application

This bill would delete the specified requirement.

(7) Existing law authorizes a school that participates in the program to receive a 3-year renewable incentive grant that is required to be awarded in 3 one-year increments and is subject to annual reporting and recertification, as required by the department.

The act authorizes the department, in any fiscal year during which a program participant receives state funds to operate a program that are in an amount in excess of the amount warranted, due to the program serving fewer pupils than planned, to raising an inadequate amount of matching funds, or for any other reason, to reduce any subsequent allocations by an amount equal to that overpayment.

This bill, instead, would authorize the department to adjust the grant level of a program that is unable to attain its targeted attendance level by more than 10% in each of 2 consecutive years. The bill would authorize the department to terminate the grant of a program in which the actual attendance falls below 75% of the target attendance level. The bill would also authorize the department to terminate the grant of a program that consistently fails to improve pupil achievement in English, language arts, and mathematics, as measured under the Standardized Testing and Reporting Program, and in English language proficiency, as measured by the English language development test, as specified. The bill would revise certain matching fund requirements in existing law.

(8) The act authorizes the department to spend 1½% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants.

This bill, instead, would require the department to be allocated funds through the annual Budget Act, from the specified continuously appropriated funds, to cover evaluation costs and pay the department's costs of awarding and monitoring grants.

(9) Existing law provides for the funding of certain community learning center programs in specified amounts.

This bill would delete the specified funding amounts and would make other revisions relating to community learning center programs.

(10) Because this bill would make money that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.

(11) The act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

Certain other provisions of the act relating to funding priorities, as described in (2) to (5), inclusive, above, may be amended by the Legislature only by a $\frac{2}{3}$ majority vote of each house, to further the purposes of the act.

This bill would set forth legislative findings and declarations that it furthers the purposes of the act.

(12) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8421 of the Education Code is amended
2 to read:

3 8421. There is hereby established the 21st Century High
4 School After School Safety and Enrichment for Teens program.
5 The purpose of the program is to create incentives for
6 establishing locally driven after school enrichment programs that
7 partner schools and communities *primarily to provide instruction*
8 *and services designed to help pupils pass the high school exit*
9 *examination required for high school graduation under Chapter*
10 *9 (commencing with Section 60850) of Part 33 for public school*
11 *programs, and also to provide academic support and safe,*
12 *constructive alternatives for high school pupils in the hours after*
13 *the regular schoolday.*

14 (a) ~~A minimum of 10 high~~ High school after school programs
15 shall be established to serve pupils in grades 9 to 12, inclusive.

16 (b) A high school after school program established pursuant to
17 this article shall consist of the following two ~~components~~
18 *elements*:

19 (1) An academic assistance ~~component~~ *element* that shall
20 include, but need not be limited to, ~~at least one of the following~~:
21 preparation for the high school exit examination, tutoring,
22 homework assistance, or college preparation, including

1 information about the Cal Grant Program established pursuant to
2 Article 3 (commencing with Section 69530) of Chapter 2 of Part
3 42. *This element shall prioritize preparing pupils to pass the high*
4 *school exit examination for public school programs.* The
5 assistance shall be aligned with the regular academic programs of
6 the pupils.

7 (2) An *educational enrichment-activities-component element*
8 that may include, but need not be limited to, community service,
9 career and technical education, job readiness, opportunities for
10 mentoring and tutoring younger pupils, service learning, *fine arts*,
11 computer and *career* technology training, physical fitness, and
12 recreation activities.

13 (c) A program shall ~~comply with locally determined~~
14 ~~requirements related to hours and days of program operation~~
15 ~~through the 2005-06 fiscal year. Commencing with the 2006-07~~
16 ~~fiscal year and thereafter, a program shall comply with the~~
17 ~~requirements of the department related to the hours and days of~~
18 ~~program operation~~ *operate a minimum of 15 hours per week.*

19 (d) An entity may operate programs on one or multiple sites. If
20 an entity plans to operate programs at multiple sites, only one
21 application is required.

22 (e) A program may operate on a schoolsite or on another site
23 approved by the department during the grant application process.
24 A program located off school grounds shall not be approved,
25 unless both of the following criteria are met:

26 (1) Safe transportation is available to transport participating
27 pupils if necessary.

28 (2) The program is at least as available and accessible as
29 similar programs conducted on schoolsites.

30 (f) Applicants for grants pursuant to this article shall ensure
31 that all of the following requirements are fulfilled, if applicable:

32 (1) ~~The application includes a description of the activities that~~
33 ~~will be available for pupils and lists the program hours~~
34 *Applicants agree to incorporate the required elements into the*
35 *program.*

36 (2) The application includes an estimate of the following:

37 (A) The number of pupils expected to attend the program on a
38 regular basis.

39 (B) The average hours of attendance per pupil.

1 (C) The percentage of pupils expected to attend the program
2 less than three days a week, three days a week, and more than
3 three days a week, for each quarter or semester during the grant
4 period.

5 (3) The application documents the commitments of each
6 partner to operate a program at a location or locations that are
7 safe and accessible to participating pupils.

8 ~~(4) The application demonstrates that pupils were involved in~~
9 ~~the design of the program and describes the extent of that~~
10 ~~involvement.~~

11 ~~(5)~~
12 (4) The application identifies federal, state, and local programs
13 that will be combined or coordinated with the high school after
14 school program for the most effective use of public resources,
15 and describes a plan for implementing the high school after
16 school program beyond federal grant funding.

17 ~~(6) The applicant complies with all federal requirements in~~
18 ~~preparing and submitting the application, as described in the~~
19 ~~request for applications of the department.~~

20 (5) *The application has been approved by the school district*
21 *and the principal of each participating school for each schoolsite*
22 *or other site.*

23 (6) *The application includes a certification that the applicant*
24 *has complied with the requirement in subdivision (b) of Section*
25 *8422.*

26 (7) *The application includes a certification that each applicant*
27 *or partner in the application agrees to do all of the following:*

28 (A) *Assume responsibility for the quality of the program.*

29 (B) *Follow all fiscal reporting and auditing standards*
30 *required by the department.*

31 (C) *Provide information to the department for the purpose of*
32 *program evaluation pursuant to Section 8427.*

33 (D) *Acknowledge that program evaluations will be based upon*
34 *both of the following:*

35 (i) *The percentage of public school pupils attending the*
36 *program that pass the high school exit examination.*

37 (ii) *Pupil participation levels.*

38 (8) *Certify that the applicant has complied with all federal*
39 *requirements in preparing and submitting the application.*

1 (g) The department shall not establish minimum attendance
2 requirements for individual pupils.

3 SEC. 2. Section 8421.5 is added to the Education Code, to
4 read:

5 8421.5. (a) (1) The department shall provide notice to all
6 schools eligible for grants under this article of the availability of
7 those grants as well as the process for making application.

8 (2) The department shall make the application available
9 though its Internet Web site. The department shall periodically
10 review the applications for funding on dates determined by the
11 department.

12 (b) The department shall review all applications solely for
13 their inclusion of the requirements of subdivision (d) of Section
14 8421.

15 (c) (1) The Advisory Committee on Before and After School
16 Programs shall make recommendations to the department on
17 reporting requirements for program evaluation and review
18 consistent with Section 8427 not later than March 1, 2007.

19 (2) The department shall review those recommendations and
20 present them to the State Board of Education not later than May
21 1, 2007.

22 (3) The State Board shall adopt requirements for program
23 evaluation and review not later than August 1, 2007.

24 SEC. 3. Section 8422 of the Education Code is amended to
25 read:

26 8422. (a) Priority for funding pursuant to this article shall be
27 given to programs that serve pupils ~~who attend schools whose~~
28 ~~scores attending a school whose most recent score on the~~
29 ~~Academic Performance Index are ranked~~ *ranks the school* in the
30 lowest three deciles.

31 (b) A program established pursuant to this article shall be
32 planned through a collaborative process that includes parents,
33 pupils, representatives of participating schools, governmental
34 agencies, including city and county parks and recreation
35 departments, community organizations, law enforcement, and, if
36 appropriate, the private sector.

37 (c) ~~A high school after school~~ program established pursuant to
38 this article is not required to charge family fees or to conduct
39 individual eligibility determination based on need or income.

(d) A program established pursuant to this article shall have the option of operating ~~after~~ *under either of the following modes:*

(1) ~~After school only or after.~~

(2) ~~After school and during any combination of; before school, weekends, summer, intersession, and vacation.~~

SEC. 4. Section 8423 of the Education Code is repealed.

~~8423. (a) The State Department of Education shall select a minimum of 10 programs to participate in the 21st Century High School After School Safety and Enrichment for Teens program from among applicants that apply on forms and in a manner prescribed by the department. To the extent possible, the selection of applicants by the department shall result in an equitable distribution of grant awards to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of the state.~~

~~(b) The State Department of Education shall consider the following criteria in awarding grants, with primary emphasis given to the criteria described in paragraphs (1) to (9), inclusive:~~

~~(1) Strength of the educational component and alignment with state academic standards, preparation for the high school exit examination, and other academic interventions.~~

~~(2) Quality of the enrichment component.~~

~~(3) Strength of staff training and development component and degree to which staff training is integrated with training of regular schoolday staff.~~

~~(4) Scope and strength of collaboration, including demonstrated support of the principal and staff from participating schools.~~

~~(5) Completion of a needs assessment in which pupils express which activities or programs are most desired by them. The needs assessment shall be conducted with a representative group of pupils reflective of the ethnicity and academic standing of the student body of the school.~~

~~(6) Scope and quality of actions taken to solicit input on program design from, and to assess the needs of, pupils considered at risk or in need of academic support.~~

~~(7) Strength of plans to attract pupils, particularly pupils considered at risk or in need of academic support, on a regular basis.~~

1 ~~(8) Demonstrated capacity to administer a successful high~~
2 ~~school after school program.~~

3 ~~(9) Availability of after school programs at elementary and~~
4 ~~middle schools attended by pupils from participating schools for~~
5 ~~purposes of continuity and linkages among programs.~~

6 ~~(10) Access to and availability of computers and technology.~~

7 ~~(11) Inclusion of a nutritional snack.~~

8 ~~(12) Capacity to respond to program evaluation requirements.~~

9 ~~(13) Demonstrated fiscal accountability.~~

10 ~~(e) The State Department of Education shall develop reporting~~
11 ~~requirements and allocation procedures, including procedures to~~
12 ~~reimburse startup costs for programs established pursuant to this~~
13 ~~article.~~

14 SEC. 5. Section 8423 is added to the Education Code, to read:

15 8423. To the extent possible, the selection of applicants by
16 the department shall result in an equitable distribution of grant
17 awards to applicants in northern, southern, and central California,
18 and in urban, suburban, and rural areas of the state.

19 SEC. 6. Section 8425 of the Education Code is amended to
20 read:

21 8425. ~~The State Department of Education~~ *department* shall
22 implement this program only to the extent that federal funds are
23 appropriated *by the Legislature* for purposes of the program. It is
24 the intent of the Legislature that available federal funds be
25 appropriated annually for the program established pursuant to
26 this article, through the annual Budget Act.

27 (a) Of the funds appropriated for the program in the first year,
28 two hundred fifty thousand dollars (\$250,000) shall be allocated
29 to the ~~State Department of Education~~ *department* to conduct a
30 three-year evaluation of the programs established pursuant to this
31 article and to make recommendations for future program
32 expansion.

33 (b) ~~The State Department of Education~~ *department* may spend
34 up to 3 percent of the funds appropriated for purposes of this
35 article to provide training by qualified and experienced
36 personnel, to convene regular meetings among grantees, and to
37 ensure quality program implementation and sustainability,
38 including unscheduled site visits.

39 SEC. 7. Section 8426 of the Education Code is amended to
40 read:

1 8426. (a) (1) A grantee that establishes a program pursuant
2 to this chapter is eligible to receive a five-year grant, ~~subject to~~
3 ~~annual reporting and recertification as required by the State~~
4 ~~Department of Education, for upfront payments of up to two~~
5 hundred fifty thousand dollars (\$250,000) per year per program,
6 *subject to semi-annual reporting. Funding for a grant shall be*
7 *allocated in annual increments for a period of not more than five*
8 *years, contingent upon the availability and appropriation of*
9 *federal funds by the Legislature for those grants.*

10 (2) *The department shall notify new grantees in writing no*
11 *later than June 15 of each year in which new grants are*
12 *awarded. The grantee shall notify the department in writing of its*
13 *acceptance of the grant.*

14 (3) *A first year grant award shall be made no later than 60*
15 *days after enactment of the annual Budget Act and any*
16 *authorizing legislation. A grant award for the second and*
17 *subsequent fiscal years shall be made no later than 30 days after*
18 *enactment of the annual Budget Act and any authorizing*
19 *legislation.*

20 (b) *The department shall allocate the first year grant amount*
21 *no later than 30 days after the grantee submits the grant award*
22 *acceptance letter to the department. For the second and*
23 *subsequent years of the grant, the department shall allocate the*
24 *annual grant amount for that year no later than 30 days after the*
25 *annual Budget Act becomes effective.*

26 (c) *Notwithstanding subdivision (b), during the 2006–07 fiscal*
27 *year, the department shall allocate first-year grants not later*
28 *than 60 days after the grantee submits the grant award*
29 *acceptance letter to the department. For the second and*
30 *subsequent years of the grant, the department shall allocate the*
31 *grant for that year not later than 60 days after the annual Budget*
32 *Act becomes effective.*

33 (d) (1) *Not more than 15 percent of each annual grant*
34 *amount may be used by a grantee for administrative costs. For*
35 *purposes of this article, administrative costs shall include*
36 *indirect costs. Indirect costs may not exceed the lesser of the*
37 *following:*

38 (A) *The grantee's indirect cost rate, as approved by the*
39 *department for the appropriate fiscal year.*

1 (B) Five percent of the state program funding received
2 pursuant to this article.

3 (2) In addition to the funding allowed for administrative costs
4 pursuant to paragraph (1), up to 15 percent of the first annual
5 grant award for each core grant recipient may be utilized for
6 startup costs.

7 (3) Funding made available pursuant to this subdivision shall
8 not result in an increase in the total funding of a grantee above
9 the approved grant amount.

10 (e) (1) The department shall adjust the grant level of any
11 school within the program that is unable to attain its proposed
12 attendance level by more than 10 percent in each of two
13 consecutive years.

14 (2) In any year that the actual attendance level of a school
15 within the program falls below 75 percent of the proposed
16 attendance level, the department shall perform a review of the
17 program and adjust the grant level as the department deems
18 appropriate.

19 (3) Notwithstanding paragraph (2) or any other provision of
20 law, the department may terminate the grant of any school within
21 the program in which the actual attendance level falls below 75
22 percent of the proposed attendance level in any grant year.

23 (4) Notwithstanding any other provision of this subdivision or
24 other provision of law, the department may at any time terminate
25 the grant of any school within a public school program that
26 consistently fails to improve pupil achievement as measured by
27 the percentage of participating pupils who pass the high school
28 exit examination.

29 (1)

30 (5) The administrator of a program may supplement, but not
31 supplant existing funding for after school programs with grant
32 funds awarded pursuant to this article.

33 ~~(2) Up to 15 percent of the initial year's grant amount for each~~
34 ~~grant recipient may be utilized for startup costs. Under no~~
35 ~~circumstance may funding for startup costs result in an increase~~
36 ~~in the grant recipient's total funding above the approved grant~~
37 ~~amount.~~

38 ~~(3) A program participant may expend on indirect costs no~~
39 ~~more than the lesser of the following:~~

1 ~~(A) The school district's indirect cost rate, as approved by the~~
2 ~~State Department of Education for the appropriate fiscal year.~~

3 ~~(B) Five percent of the state program funding received~~
4 ~~pursuant to this article.~~

5 ~~(4) A program participant may expend no more than 15~~
6 ~~percent of its grant award on administrative costs. For purposes~~
7 ~~of this section, administrative costs shall include indirect costs, as~~
8 ~~described in paragraph (3).~~

9 ~~(5) In addition to administrative costs, a program participant~~
10 ~~may expend up to the greater of 6 percent of its state funding or~~
11 ~~seven thousand five hundred dollars (\$7,500) to collect outcome~~
12 ~~data for evaluation and for reports to the State Department of~~
13 ~~Education.~~

14 ~~(6) All state funding awarded to a program pursuant to this~~
15 ~~article that remains after subtracting the administrative and~~
16 ~~startup costs and outcome data costs authorized by paragraphs~~
17 ~~(5) and (6) under subdivision (d) shall be allocated to the~~
18 ~~program site for direct services to pupils.~~

19 ~~(b) When determining recertification after each grant year, the~~
20 ~~State Department of Education may consider whether a program~~
21 ~~is operating consistent with the terms of its application, including~~
22 ~~whether the number of pupils served on a regular basis is~~
23 ~~consistent with the number estimated, and may consider the~~
24 ~~strength of any justifications or future plans offered by the~~
25 ~~program to address inconsistencies with the terms of the~~
26 ~~application. If the State Department of Education finds that a~~
27 ~~program is not operating consistent with the terms of its~~
28 ~~application, the department may take appropriate action,~~
29 ~~including denying recertification or reducing the level of grant~~
30 ~~funding.~~

31 SEC. 8. Section 8427 of the Education Code is amended to
32 read:

33 8427. (a) A high school after school program established
34 pursuant to this article shall submit to the State Department of
35 Education *department* annual outcome-based data for evaluation,
36 including research-based indicators of program quality and
37 outcome measures including, but not limited to, ~~academic~~
38 ~~performance, performance on the high school exit examination~~
39 ~~passage rates of the participating public school pupils on the~~

1 *high school exit examination*, graduation rates to the extent
2 possible, school attendance, and positive behavioral changes.

3 (b) A program shall also submit ~~annual~~ *semiannual* attendance
4 data results to the ~~State Department of Education~~ *department* to
5 facilitate evaluation and compliance with the grant program
6 requirements, ~~as established by the department~~.

7 (c) A program also shall report all of the following, at a
8 minimum, ~~three~~ *two* times annually:

9 (1) The number of pupils served on a regular basis and the
10 extent of pupil participation.

11 (2) The average hours of attendance per pupil.

12 (3) The percentage of pupils that attend the program less than
13 three days a week, three days a week, and more than three days a
14 week.

15 (4) The extent to which the program attracts pupils considered
16 at risk or in need of academic support.

17 SEC. 9. Section 8428 of the Education Code is amended to
18 read:

19 8428. (a) ~~The State Department of Education~~ *department*
20 shall order an independent evaluation of the program funded
21 pursuant to this article to be prepared and submitted to the
22 Legislature. The evaluation shall include a comparison of
23 outcomes for participating pupils and similarly situated pupils
24 who did not participate in a program. An interim evaluation shall
25 be submitted to the Legislature 180 days after the completion of
26 the second year of the program, and a final evaluation shall be
27 submitted 180 days after the completion of the third year of the
28 program.

29 (b) (1) *The department shall contract for a statewide*
30 *evaluation of the effectiveness of after school programs under*
31 *this article. A preliminary report shall be submitted to the*
32 *Governor and the Legislature on or before October 1, 2009,*
33 *providing baseline data that includes, but need not be limited to,*
34 *all of the following:*

35 (A) *The participation rates of local educational agencies,*
36 *including a regional analysis.*

37 (B) *The attendance rates of pupils.*

38 (C) *The number of sites participating in the program.*

39 (D) *Local partnerships.*

1 (E) *The high school exit examination passage rates of pupils*
2 *participating in a public school program.*

3 (2) *A final report shall be submitted to the Governor and the*
4 *Legislature on or before October 1, 2012. The final report shall*
5 *include, but need not be limited to, all of the following:*

6 (A) *Updated data on the measures specified in paragraph (1).*

7 (B) *The prevalence and frequency of activities included in*
8 *funded programs.*

9 SEC. 10. Section 8482.3 of the Education Code is amended to
10 read:

11 8482.3. (a) The After School Education and Safety Program
12 shall be established to serve pupils in kindergarten and grades 1
13 to 9, inclusive, at participating public elementary, middle, junior
14 high, and charter schools.

15 (b) A program may operate a before school component of a
16 program, an after school component, or both the before and after
17 school components of a program, on one or multiple schoolsites.
18 If a program operates at multiple schoolsites, only one
19 application ~~shall be~~ *is* required for its establishment.

20 (c) Each component of a program established pursuant to this
21 article shall consist of the following ~~two components~~ *elements*:

22 (1) ~~An educational and literacy whereby whereby,~~ *element in*
23 *which* tutoring or homework assistance is provided in one or
24 more of the following areas: language arts, mathematics, history
25 and social science, computer training, or science. *This element*
26 *shall give highest priority to improving reading skills and*
27 *attaining English language proficiency.*

28 (2) ~~A component whereby~~ *An educational enrichment element,*
29 which may include, but need not be limited to, fine arts, career
30 technical education, recreation, physical fitness, and prevention
31 activities, ~~is provided.~~ Notwithstanding any other provision of
32 this article, the majority of the time of participation by a pupil
33 who is in kindergarten or any of grades 1 to 8, inclusive, in a
34 career technical education ~~component~~ *element* of a program shall
35 physically take place at a schoolsite described in subdivision (a).

36 (d) *Applicants shall agree that snacks made available through*
37 *a program shall conform to the nutrition standards in Article 2.5*
38 *(commencing with Section 49430) of Chapter 9 of Part 27.*

39 ~~(d)~~

1 (e) Applicants for programs established pursuant to this article
2 may include any of the following:

3 (1) A ~~local-education~~ *educational* agency, including, *but not*
4 *limited to*, a charter school, *the California School for the Deaf,*
5 *Northern California, the California School for the Deaf,*
6 *Southern California, and the California School for the Blind.*

7 (2) A city, county, or nonprofit organization in partnership
8 with, and with the approval of, a ~~local-education~~ *educational*
9 agency or agencies.

10 (e)

11 (f) Applicants for grants pursuant to this article shall ensure
12 that each of the following requirements is fulfilled, if applicable:

13 (1) The application documents the commitments of each
14 partner to operate a program on that site or sites.

15 (2) The application has been approved by the school district
16 and the principal of each participating school for each schoolsite
17 or other site.

18 (3) Each partner in the application agrees to share
19 responsibility for the quality of the program.

20 (4) The application designates the public agency or local
21 ~~education~~ *educational* agency partner to act as the fiscal agent.
22 For purposes of this section, “public agency” means only a
23 county board of supervisors or, ~~where~~ *if* the city is incorporated
24 or has a charter, a city council.

25 (5) Applicants agree to follow all fiscal reporting and auditing
26 standards required by the department.

27 (6) *Applicants agree to incorporate into the program both of*
28 *the elements required under subdivision (c).*

29 (7) *Applicants agree to provide information to the department*
30 *for the purpose of program evaluation pursuant to Section*
31 *8483.55.*

32 (8) *Applicants shall submit a written statement acknowledging*
33 *that program evaluations will be based upon both of the*
34 *following:*

35 (A) *Test scores from assessments administered under the*
36 *Standardized Testing and Reporting Program established under*
37 *Section 60640, reflecting a pupil’s achievement in the areas*
38 *addressed by the required program elements, if that assessment*
39 *program has been established in the area.*

1 (B) Actual pupil participation levels, compared to targeted
2 levels of pupil participation.

3 (9) The application states the targeted number of pupils to be
4 served by the program.

5 (g) An application shall be required only upon the first request
6 for funding. Grant awards shall be automatically renewed at the
7 same level, unless adjusted or terminated pursuant to Section
8 8483.7, or discontinued or reduced upon the request of the
9 grantee.

10 SEC. 11. Section 8482.4 is added to the Education Code, to
11 read:

12 8482.4. (a) The department shall review applications
13 submitted under this article to determine whether the applicable
14 requirements in subdivision (e) of Section 8482.3 have been
15 fulfilled.

16 (b) The department shall use the per-pupil rates established
17 under subparagraph (B) of paragraph (1) of subdivision (d) of
18 Section 8483.7 and the targeted number of pupils to be served, as
19 established under paragraph (9) of subdivision (f) of Section
20 8482.3, to determine the appropriate grant amount.

21 (c) The department shall allocate funding for a grant on an
22 annual basis not later than 30 days after the date the grantee
23 submits the grant award acceptance letter to the department,
24 except that during the 2006–07 fiscal year, the department shall
25 allocate grants not later than 60 days after the date the Budget
26 Act of 2006 becomes effective.

27 (d) The Advisory Committee on Before and After School
28 Programs shall make recommendations on reporting
29 requirements for program evaluation and review consistent with
30 subdivision (b) of Section 8483.55 to the department not later
31 than June 30, 2006. The department shall review the committee's
32 recommendations and present them, along with the department's
33 recommendations, to the state board not later than September 30,
34 2006. The state board shall adopt requirements for program
35 evaluation and review not later than November 30, 2006.

36 (e)(1) The department shall provide notice to all schools
37 eligible for grants under this article regarding the availability of
38 those grants and the process for making an application.

39 (2) The department shall make the application available
40 through its Internet Web site. The department shall determine the

1 dates by which applications will be periodically considered for
2 funding.

3 SEC. 12. Section 8482.5 of the Education Code, as amended
4 by Chapter 320 of the Statutes of 1998, is repealed.

5 ~~8482.5. (a) Priority for funding programs established~~
6 ~~pursuant to this article shall be given to schools where a~~
7 ~~minimum of 50 percent of the pupils in elementary schools and~~
8 ~~50 percent of the pupils in middle and junior high schools are~~
9 ~~eligible for free or reduced-cost meals through the school lunch~~
10 ~~program of the United States Department of Agriculture.~~

11 ~~(b) Every program established pursuant to this article shall be~~
12 ~~planned through a collaborative process that includes parents,~~
13 ~~youth, and representatives of participating schoolsites,~~
14 ~~governmental agencies, such as city and county parks and~~
15 ~~recreation departments, community organizations, and the private~~
16 ~~sector.~~

17 SEC. 13. Section 8482.5 of the Education Code, as amended
18 by Chapter 320 of the Statutes of 1998, is repealed.

19 ~~8482.5. (a) Priority for funding programs established~~
20 ~~pursuant to this article shall be given to schools where a~~
21 ~~minimum of 50 percent of the pupils in elementary schools and~~
22 ~~50 percent of the pupils in middle and junior high schools are~~
23 ~~eligible for free or reduced-cost meals through the school lunch~~
24 ~~program of the United States Department of Agriculture.~~

25 ~~(b) Every program established pursuant to this article shall be~~
26 ~~planned through a collaborative process that includes parents,~~
27 ~~youth, and representatives of participating schoolsites,~~
28 ~~governmental agencies, such as city and county parks and~~
29 ~~recreation departments, community organizations, and the private~~
30 ~~sector.~~

31 SEC. 14. Section 8482.5 of the Education Code, as amended
32 by November 5, 2002, by initiative Proposition 49, Section 7, is
33 amended to read:

34 8482.5. (a) Priority for funding programs established
35 pursuant to this article, ~~except those established pursuant to~~
36 ~~subdivision (e) of Section 8482.55,~~ shall be given to schools
37 where a minimum of 50 percent of the pupils in elementary
38 schools and 50 percent of the pupils in middle and junior high
39 schools are eligible for free or reduced-cost meals through the

1 school lunch program of the United States Department of
2 Agriculture.

3 (b) Every program established pursuant to this article shall be
4 planned through a collaborative process that includes parents,
5 youth, and representatives of participating public schools,
6 governmental agencies, such as city and county parks and
7 recreation departments, local law enforcement, community
8 organizations, and the private sector.

9 SEC. 15. Section 8482.55 of the Education Code is amended
10 to read:

11 8482.55. (a) To accomplish the purposes of the After School
12 Education and Safety Program, commencing with the fiscal year
13 beginning July 1, 2004, and for each fiscal year thereafter, all
14 grants made pursuant to this article shall be awarded as set forth
15 in this section.

16 (b)(1) Grants made to public schools pursuant to this article
17 for the 2003–04 fiscal year shall continue to be funded in each
18 subsequent fiscal year at the 2003–04 fiscal year level before any
19 other grants are funded under this article, provided such schools
20 continue to ~~make application for such grants and are~~ be otherwise
21 qualified pursuant to this article. Receipt of a grant at the
22 2003–04 fiscal year level made pursuant to this subdivision shall
23 not affect a school's eligibility for additional grant funding as
24 permitted in subdivisions (c) and (d) up to the maximum grants
25 permitted in Sections 8483.7 and 8483.75.

26 (2) *A grantee funded under Section 8484.8 may apply for a*
27 *grant under this article to fund a program that was formerly*
28 *funded under Section 8484.8. That application shall be funded*
29 *before any new grant is funded under this article, if the program*
30 *is otherwise qualified under this article. The grantee shall*
31 *receive the same amount of core grant funding that it received*
32 *pursuant to subparagraph (A) or (B) of paragraph (1) of*
33 *subdivision (g) of Section 8484.8 in the fiscal year prior to the*
34 *year for which the applicant requests funding under this article.*
35 *The grantee shall apply to the department for funding under this*
36 *paragraph on or before a date established by the department that*
37 *is prior to the date by which the department awards new grants*
38 *under this article.*

39 (c) Every public elementary, middle, and junior high school in
40 the state shall be eligible to receive a ~~three-year renewable~~

1 incentive grant for after school programs to be operated during
2 the regular school year, as provided in subparagraph (A) of
3 paragraph (1) of subdivision (a) of Section 8483.7. Except as
4 provided in this subdivision, grants for after school programs
5 made pursuant to this subdivision shall be subject to all other
6 sections of this article. Grants for after school programs made
7 pursuant to this subdivision shall not exceed ~~fifty thousand one~~
8 *hundred twelve thousand five hundred* dollars ~~(\$50,000)~~
9 *(\$112,500)* for each regular school year for each elementary
10 school or ~~seventy-five one hundred fifty thousand~~ dollars
11 ~~(\$75,000)~~ *(\$150,000)* for each regular school year for each
12 middle or junior high school. Notwithstanding subdivision (a) of
13 Section 8482.5 and except as provided in subdivision (f), ~~every~~
14 ~~public elementary, middle, and junior high school in the state~~
15 ~~shall have equal priority of funding for grants for after school~~
16 ~~programs made pursuant to this subdivision~~ *priority for grants*
17 *under this subdivision shall be given to recipients of grants*
18 *received prior to July 2006 pursuant to Section 8484.8 which*
19 *transfer to the After School Education and Safety Program*
20 *pursuant to paragraph (2) of subdivision (b).* Receipt of a grant
21 for an after school program made pursuant to this subdivision
22 shall not affect a school's eligibility for additional grant funding
23 as permitted in subdivision (d) up to the maximum grants
24 permitted in Sections 8483.7 and 8483.75. Grants made pursuant
25 to this subdivision shall be funded after grants made pursuant to
26 subdivision (b) and before any grants made pursuant to
27 subdivision (d). Grants made pursuant to this subdivision shall be
28 referred to as "After School Education and Safety Universal
29 Grants."

30 (d) All funds remaining from the appropriation provided in
31 Section 8483.5 after award of grants pursuant to subdivisions (b)
32 and (c) shall be distributed pursuant to Sections 8483.7 and
33 8483.75. Grants for programs made pursuant to this subdivision
34 shall be subject to all other sections of this article. Priority for
35 grants for programs made pursuant to this subdivision shall be
36 established pursuant to subdivision (a) of Section 8482.5 ~~and~~
37 ~~Section 8483.3.~~

38 (e) No school shall receive grants in excess of the amounts
39 provided in Sections 8483.7 and 8483.75.

(f) In the event that in any fiscal year the appropriation made pursuant to Section 8483.5 shall be insufficient to fund all eligible schools who make application for After School Education and Safety Universal Grants pursuant to subdivision (c), priority for After School Education and Safety Universal Grants shall be established pursuant to subdivision (a) of Section 8482.5 and Section 8483.3.

SEC. 16. Section 8482.8 of the Education Code is amended to read:

~~8482.8. (a) If there is a significant barrier to pupil participation in a program established pursuant to this article at the school of attendance for either the before school or the after school component, an applicant may request approval from the Superintendent, prior to or during the grant application process, to provide services at another schoolsite for that component. An applicant that requests approval shall describe the manner in which the applicant intends to provide safe, supervised transportation between schoolsites; ensure communication among teachers in the regular school program, staff in the before school and after school components of the program, and parents of pupils; and align the educational and literacy component of the before and after school components of the program with the regular school programs of participating pupils.~~

~~(b) For purposes of this article, a significant barrier to pupil participation in the before or after school component of a program established pursuant to this chapter means either of the following:~~

~~(1) Fewer than 20 pupils participating in the component of the program.~~

~~(2) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or pupil dependence on public transportation.~~

~~(c)~~

~~(a) In addition to the authority to transfer funds among school programs pursuant to Sections 8483.7 and 8483.75, and in addition to the flexibility provided by subdivisions (a) and (b), a program grantee that is temporarily prevented from operating a program established pursuant to this article at the program site due to natural disaster, civil unrest, or imminent danger to pupils or staff, shall make reasonable efforts to serve those pupils or an~~

1 *equivalent number of pupils at an alternative program site*
2 *operated by the grantee, and may shift program funds to the sites*
3 *of other programs established pursuant to this article to meet*
4 *attendance targets during that time period for this purpose.*

5 ~~(d)~~

6 (b) If a program grantee is temporarily prevented from
7 operating its entire program due to natural disaster, civil unrest,
8 or imminent danger to pupils or staff, the department may
9 recommend, and the state board may approve, a request by the
10 grantee for payment equal to the amount of funding the grantee
11 would have received if it had been able to operate its entire
12 program during that time period.

13 ~~(e)~~

14 (c) Upon the request of a program grantee, the state board may
15 approve other unforeseen events as qualifying a program grantee
16 to use the authority provided by subdivisions ~~(e)~~ (a) and ~~(d)~~ (b).

17 SEC. 17. Section 8483 of the Education Code is amended to
18 read:

19 8483. (a) (1) Every after school component of a program
20 established pursuant to this article shall commence immediately
21 upon the conclusion of the regular schoolday, and operate a
22 minimum of 15 hours per week, and at least until 6 p.m. on every
23 regular schoolday. Every after school component of the program
24 shall establish a policy regarding reasonable early daily release of
25 pupils from the program. For those programs or schoolsites
26 operating in a community where the early release policy does not
27 meet the unique needs of that community or school, or both,
28 documented evidence may be submitted to the department for an
29 exception and a request for approval of an alternative plan.

30 (2) It is the intent of the Legislature that elementary school
31 pupils participate in the full day of the program every day during
32 which pupils participate and that pupils in middle school or
33 junior high school attend a minimum of nine hours a week and
34 three days a week to accomplish program goals.

35 (3) In order to develop an age-appropriate after school
36 program for pupils in middle school or junior high school,
37 programs established pursuant to this article may implement a
38 flexible attendance schedule for those pupils. Priority for
39 enrollment of pupils in middle school or junior high school shall
40 be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day ~~at the approved rate~~ for the regular school year pursuant to Section 8483.7.

SEC. 18. Section 8483.1 of the Education Code is amended to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall commence operation at or before 6 a.m. on every regular schoolday or two hours before the commencement of the regular schoolday. A program may operate less than two hours per regular schoolday, but in no instance shall a program operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of six hours a week and three days a week to accomplish program goals, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) ~~A school is not eligible to receive funds provided pursuant to this article for a~~ pupil who attends less than one-half of the daily program hours *shall not be counted for the purposes of attendance.*

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a before school program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of two hours per day ~~at the approved rate~~ for the regular school year pursuant to Section 8483.75.

SEC. 19. Section 8483.2 of the Education Code is amended to read:

1 8483.2. Notwithstanding any other provision of this article,
2 any program electing to operate both a before and after school
3 component for the same pupils during summer, intersession, or
4 vacation periods must operate these programs a minimum of five
5 hours per day to receive the approved rates for the regular school
6 year pursuant to both Sections 8483.7 and 8483.75.

7 SEC. 20. Section 8483.25 of the Education Code is repealed.

8 ~~8483.25. The State Department of Education shall provide~~
9 ~~notice to all schools eligible for grants under this article of the~~
10 ~~availability of such grants as well as the process for making~~
11 ~~application.~~

12 SEC. 21. Section 8483.3 of the Education Code, as added by
13 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

14 ~~8483.3. (a) The State Department of Education shall select~~
15 ~~applicants to participate in the program established pursuant to~~
16 ~~this article from among applicants that apply on forms and in a~~
17 ~~manner prescribed by the department. To the extent possible, the~~
18 ~~selection of applicants by the State Department of Education~~
19 ~~shall result in an equitable distribution of grant awards pursuant~~
20 ~~to Section 8483.7 to applicants in northern, southern, and central~~
21 ~~California, and in urban, suburban, and rural areas of California.~~

22 ~~(b) The State Department of Education shall consider the~~
23 ~~following in selecting schools to participate in the program~~
24 ~~established pursuant to this article, with primary emphasis given~~
25 ~~to items (1) through (4):~~

- 26 ~~(1) Strength of the educational component.~~
27 ~~(2) Quality of the educational enrichment component.~~
28 ~~(3) Strength of staff training and development component.~~
29 ~~(4) Scope and strength of collaboration, including~~
30 ~~demonstrated support of the schoolsite principal and staff.~~
31 ~~(5) Inclusion of a nutritional snack.~~
32 ~~(6) Employment of CalWORKs recipients.~~
33 ~~(7) Level and type of local matching funds.~~
34 ~~(8) Capacity to respond to program evaluation requirements.~~
35 ~~(9) Demonstrated fiscal accountability.~~
36 ~~(c) The State Department of Education shall develop reporting~~
37 ~~requirements and allocation procedures, including procedures to~~
38 ~~reimburse startup costs for programs established pursuant to this~~
39 ~~article.~~

1 SEC. 22. Section 8483.3 of the Education Code, as added by
2 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

3 ~~8483.3. (a) The State Department of Education shall select~~
4 ~~applicants to participate in the program established pursuant to~~
5 ~~this article from among applicants that apply on forms and in a~~
6 ~~manner prescribed by the department. To the extent possible, the~~
7 ~~selection of applicants by the State Department of Education~~
8 ~~shall result in an equitable distribution of grant awards pursuant~~
9 ~~to Section 8483.7 to applicants in northern, southern, and central~~
10 ~~California, and in urban, suburban, and rural areas of California.~~

11 ~~(b) The State Department of Education shall consider the~~
12 ~~following in selecting schools to participate in the program~~
13 ~~established pursuant to this article, with primary emphasis given~~
14 ~~to items (1) through (4):~~

- 15 ~~(1) Strength of the educational component.~~
- 16 ~~(2) Quality of the educational enrichment component.~~
- 17 ~~(3) Strength of staff training and development component.~~
- 18 ~~(4) Scope and strength of collaboration, including~~
19 ~~demonstrated support of the schoolsite principal and staff.~~
- 20 ~~(5) Inclusion of a nutritional snack.~~
- 21 ~~(6) Employment of CalWORKs recipients.~~
- 22 ~~(7) Level and type of local matching funds.~~
- 23 ~~(8) Capacity to respond to program evaluation requirements.~~
- 24 ~~(9) Demonstrated fiscal accountability.~~

25 ~~(c) The State Department of Education shall develop reporting~~
26 ~~requirements and allocation procedures, including procedures to~~
27 ~~reimburse startup costs for programs established pursuant to this~~
28 ~~article.~~

29 SEC. 23. Section 8483.3 of the Education Code, as amended
30 by Section 2 of Chapter 353 of the Statutes of 2005, is repealed.

31 ~~8483.3. (a) The department shall select applicants to~~
32 ~~participate in the program established pursuant to this article~~
33 ~~from among applicants that apply on forms and in a manner~~
34 ~~prescribed by the department. To the extent possible, the~~
35 ~~selection of applicants by the department shall result in an~~
36 ~~equitable distribution of grant awards pursuant to Section 8483.7~~
37 ~~to applicants in northern, southern, and central California, and in~~
38 ~~urban, suburban, and rural areas of California.~~

1 ~~(b) The department shall consider the following in selecting~~
2 ~~schools to participate in the program established pursuant to this~~
3 ~~article, with primary emphasis given to items (1) through (5):~~

- 4 ~~(1) Strength of the educational component.~~
5 ~~(2) Quality of the educational enrichment component.~~
6 ~~(3) Strength of staff training and development component.~~
7 ~~(4) Scope and strength of collaboration, including~~
8 ~~demonstrated support of the schoolsite principal and staff.~~
9 ~~(5) Capacity to facilitate better integration with the regular~~
10 ~~school day and other extended learning opportunities. These~~
11 ~~opportunities may include arts, career technical education,~~
12 ~~recreation, computer use, and other activities to broaden the~~
13 ~~pupil's learning experience. Notwithstanding any other provision~~
14 ~~of this article, the majority of the time of participation by a pupil~~
15 ~~who is in kindergarten or any of grades 1 to 8, inclusive, in a~~
16 ~~career technical education component of a program shall~~
17 ~~physically take place at a schoolsite described in subdivision (a)~~
18 ~~of Section 8482.3.~~
19 ~~(6) Inclusion of a nutritional snack.~~
20 ~~(7) Employment of CalWORKs recipients.~~
21 ~~(8) Level and type of local matching funds.~~
22 ~~(9) Capacity to respond to program evaluation requirements.~~
23 ~~(10) Demonstrated fiscal accountability.~~

24 ~~(c) The department shall develop reporting requirements and~~
25 ~~allocation procedures, including procedures to reimburse startup~~
26 ~~costs for programs established pursuant to this article.~~

27 SEC. 24. Section 8483.3 is added to the Education Code, to
28 read:

29 8483.3. To the extent possible, the selection of applicants by
30 the State Department of Education shall result in an equitable
31 distribution of grant awards pursuant to Section 8483.7 to
32 applicants in northern, southern, and central California, and in
33 urban, suburban, and rural areas of California.

34 SEC. 25. Section 8483.4 of the Education Code is amended to
35 read:

36 8483.4. The administrator of every program established
37 pursuant to this article shall establish ~~minimum~~ qualifications for
38 each staff position that, at a minimum, ensure that all staff
39 members who directly supervise pupils meet the minimum
40 qualifications for an instructional aide, pursuant to the policies of

1 the school district. Selection of the program site supervisors shall
2 be subject to the approval of the schoolsite principal. The
3 administrator shall also ensure that the program maintains a
4 pupil-to-staff member ratio of no more than 20 to 1. All program
5 staff and volunteers shall be subject to the health screening and
6 fingerprint clearance requirements in current law and district
7 policy for school personnel and volunteers in the school district.

8 SEC. 26. Section 8483.55 of the Education Code is repealed.

9 ~~8483.55. From the funds appropriated pursuant to subdivision~~
10 ~~(b) of Section 8483.5, the State Department of Education may~~
11 ~~spend 1 ½ percent to cover evaluation costs and to provide~~
12 ~~training and support to ensure quality program implementation,~~
13 ~~development, and sustainability and may pay its costs of~~
14 ~~awarding and monitoring grants.~~

15 SEC. 27. Section 8483.55 is added to the Education Code, to
16 read:

17 8483.55. (a) From the funds appropriated pursuant to
18 subdivision (b) of Section 8483.5, the department shall be
19 allocated funds through the annual Budget Act to cover
20 evaluation costs and pay the department's costs of awarding and
21 monitoring grants.

22 (b) The department shall enter into a contract for a state-wide
23 evaluation of the effectiveness of before and after school
24 programs. A preliminary report shall be submitted to the
25 Governor and the Legislature not later than October 1, 2008,
26 providing baseline data that includes, but is not limited to, all of
27 the following:

28 (1) The participation rates of local educational agencies.

29 (2) The attendance rates of pupils in both the program and in
30 regular day school.

31 (3) The number of sites participating in the program.

32 (4) Local partnerships.

33 (5) The academic performance of participating pupils in
34 English, language arts, and mathematics, as measured by the
35 results under the Standardized Testing and Reporting Program
36 established under Section 60640.

37 (6) The English language proficiency of participating pupils,
38 as measured by the English language development test
39 established under Section 60810.

1 (c) A final report shall be submitted to the Governor and the
2 Legislature not later than October 1, 2011. The final report shall
3 include, but not be limited to, all of the following:

4 (1) Updated data on the measures specified in subdivision (b),
5 including, but not limited to, changes in those measures.

6 (2) The prevalence and frequency of activities included in
7 funded programs.

8 SEC. 28. Section 8483.7 of the Education Code, as added by
9 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

10 ~~8483.7. (a) It is the intent of the Legislature that a minimum~~
11 ~~of fifty million dollars (\$50,000,000) be appropriated for the~~
12 ~~program established pursuant to this article, through the annual~~
13 ~~Budget Act. Of the funds appropriated for the program, 50~~
14 ~~percent shall be reserved for programs that operate at elementary~~
15 ~~schools and 50 percent shall be reserved for programs that~~
16 ~~operate at middle and junior high schools. If there are not a~~
17 ~~sufficient number of qualified applicants to use all of the funding~~
18 ~~in one category, the remaining funds may be used for qualified~~
19 ~~applicants in the other category.~~

20 ~~(b) (1) Every school that establishes a program pursuant to~~
21 ~~this article is eligible to receive a three year renewable incentive~~
22 ~~grant, subject to annual reporting and recertification as required~~
23 ~~by the State Department of Education, for up to five dollars (\$5)~~
24 ~~per day per pupil, with a maximum total grant amount of~~
25 ~~seventy-five thousand dollars (\$75,000) for each regular school~~
26 ~~year for each elementary school and one hundred thousand~~
27 ~~dollars (\$100,000) for each regular school year for each middle~~
28 ~~or junior high school.~~

29 ~~(2) For large schools, the maximum total grant amounts~~
30 ~~described in paragraph (1) may be increased based on the~~
31 ~~following formulas, up to a maximum amount of twice the~~
32 ~~respective limits specified in paragraph (1):~~

33 ~~(A) For elementary schools, multiply seventy-five dollars~~
34 ~~(\$75) by the number of pupils enrolled at the schoolsite for the~~
35 ~~normal schoolday program that exceeds 600.~~

36 ~~(B) For middle schools, multiply seventy-five dollars (\$75) by~~
37 ~~the number of pupils enrolled at the schoolsite for the normal~~
38 ~~schoolday program that exceeds 900.~~

39 ~~(3) A school that establishes a program pursuant to this article~~
40 ~~is eligible to receive a supplemental grant to operate the program~~

1 during any combination of summer, intersession, or vacation
2 periods for a maximum of the lesser of the following amounts:

3 (A) Five dollars (\$5) per day per pupil.

4 (B) Thirty percent of the total grant amount awarded to the
5 school per school year pursuant to this subdivision.

6 (4) Each program shall provide at least 50 percent cash or
7 in-kind local matching funds from the school district,
8 governmental agencies, community organizations, or the private
9 sector for each dollar received in grant funds. Neither facilities
10 nor space usage may fulfill the match requirement.

11 (c) The administrator of a program established pursuant to this
12 article may supplement, but not supplant existing funding for
13 after school programs with grant funds awarded pursuant to this
14 article. State categorical funds for remedial education activities
15 shall not be eligible as matching funds for those after school
16 programs.

17 (d) Up to 15 percent of the initial year's grant amount for each
18 grant recipient may be utilized for startup costs. Under no
19 circumstance shall funding for startup costs result in an increase
20 in the grant recipient's total funding above the approved grant
21 amount.

22 SEC. 29. Section 8483.7 of the Education Code, as added by
23 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

24 8483.7. (a) It is the intent of the Legislature that a minimum
25 of fifty million dollars (\$50,000,000) be appropriated for the
26 program established pursuant to this article, through the annual
27 Budget Act. Of the funds appropriated for the program, 50
28 percent shall be reserved for programs that operate at elementary
29 schools and 50 percent shall be reserved for programs that
30 operate at middle and junior high schools. If there are not a
31 sufficient number of qualified applicants to use all of the funding
32 in one category, the remaining funds may be used for qualified
33 applicants in the other category.

34 (b) (1) Every school that establishes a program pursuant to
35 this article is eligible to receive a three-year renewable incentive
36 grant, subject to annual reporting and recertification as required
37 by the State Department of Education, for up to five dollars (\$5)
38 per day per pupil, with a maximum total grant amount of
39 seventy-five thousand dollars (\$75,000) for each regular school
40 year for each elementary school and one hundred thousand

1 dollars (\$100,000) for each regular school year for each middle
2 or junior high school.

3 (2) For large schools, the maximum total grant amounts
4 described in paragraph (1) may be increased based on the
5 following formulas, up to a maximum amount of twice the
6 respective limits specified in paragraph (1):

7 (A) For elementary schools, multiply seventy-five dollars
8 (\$75) by the number of pupils enrolled at the schoolsite for the
9 normal schoolday program that exceeds 600.

10 (B) For middle schools, multiply seventy-five dollars (\$75) by
11 the number of pupils enrolled at the schoolsite for the normal
12 schoolday program that exceeds 900.

13 (3) A school that establishes a program pursuant to this article
14 is eligible to receive a supplemental grant to operate the program
15 during any combination of summer, intersession, or vacation
16 periods for a maximum of the lesser of the following amounts:

17 (A) Five dollars (\$5) per day per pupil.

18 (B) Thirty percent of the total grant amount awarded to the
19 school per school year pursuant to this subdivision.

20 (4) Each program shall provide at least 50 percent cash or
21 in-kind local matching funds from the school district,
22 governmental agencies, community organizations, or the private
23 sector for each dollar received in grant funds. Neither facilities
24 nor space usage may fulfill the match requirement.

25 (e) The administrator of a program established pursuant to this
26 article may supplement, but not supplant existing funding for
27 after school programs with grant funds awarded pursuant to this
28 article. State categorical funds for remedial education activities
29 shall not be eligible as matching funds for those after school
30 programs.

31 (d) Up to 15 percent of the initial year's grant amount for each
32 grant recipient may be utilized for startup costs. Under no
33 circumstance shall funding for startup costs result in an increase
34 in the grant recipient's total funding above the approved grant
35 amount.

36 SEC. 30. Section 8483.7 of the Education Code, as amended
37 by Section 4 of Chapter 553 of the Statutes of 2005, is amended
38 to read:

39 8483.7. (a) (1) (A) *Every Each* school that establishes a
40 program pursuant to this article ~~is eligible to receive a three-year~~

~~renewable incentive grant, that shall be awarded in three one-year increments and is subject to annual semiannual attendance reporting and recertification as required by the department, for either of the following, as selected by the school.~~

(i) The department shall adjust the grant level of any school within the program that is unable to attain its targeted attendance level by more than 10 percent in each of two consecutive years.

(ii) In any year that the actual attendance level of a school within the program falls below 75 percent of the target attendance level, the department shall perform a review of the program and adjust the grant level as the department deems appropriate.

(iii) Notwithstanding any other provision of law, the department may terminate the grant of any school within the program in which the actual attendance level falls below 75 percent of the target attendance level in any grant year.

(iv) The department may terminate the grant of any school within the program that fails for three consecutive years to improve the achievement of participating pupils in English, language arts, and mathematics, as measured under the Standardized Testing and Reporting Program established under Section 60640.

(v) For public schools, the department may terminate the grant of any school within the program that fails to improve the achievement of participating pupils in English language proficiency for three consecutive years, as measured by the English language development test established under Section 60810.

(vi) Academic improvement in English, language arts, and mathematics may each be demonstrated using performance levels from the Standardized Testing and Reporting Program by compliance with any of the following:

(I) The grantee documents that the percentage of pupils performing at the Far Below Basic level declined by a minimum of 2 percent.

(II) The grantee documents that the percentage of pupils performing above the Far Below Basic and Below Basic levels increased by a minimum of 2 percent.

1 (III) *The grantee documents that the percentage of pupils who*
2 *performed at or above the basic level increased by a minimum of*
3 *2 percent.*

4 (IV) *The grantee documents that pupils participating in the*
5 *program performed better in a year-to-year comparison of the*
6 *results of the Standardized Testing and Reporting Program than*
7 *their peers who were not participating in the program.*

8 (B) *Grant levels, and grant level adjustments performed under*
9 *subparagraph (A), shall be based upon either of the following, as*
10 *selected by the school:*

11 (i) *Up to ~~five~~ seven dollars-(\$5) and fifty cents (\$7.50) per day*
12 *per pupil, if the program serves pupils in elementary, middle, or*
13 *junior high school.*

14 (ii) *~~Five~~ Seven dollars-(\$5) and fifty cents (\$7.50) per pupil for*
15 *each three hours of pupil attendance, with a maximum total*
16 *reimbursement of ~~twenty-five~~ thirty-seven dollars-(\$25) and fifty*
17 *cents (\$37.50) per pupil per week, if the program serves pupils in*
18 *middle or junior high school. To receive reimbursement pursuant*
19 *to this subparagraph, the program administrator shall apply to*
20 *and receive approval annually from the Superintendent. Approval*
21 *by the Superintendent shall be based on program results.*

22 ~~(B)~~
23 (C) *The maximum total grant amount awarded annually*
24 *pursuant to this paragraph shall be ~~seventy-five thousand dollars~~*
25 *~~(\$75,000) one hundred twelve thousand five hundred dollars~~*
26 *~~(\$112,500) for each regular school year for each elementary~~*
27 *~~school and one hundred thousand dollars (\$100,000) one hundred~~*
28 *~~fifty thousand dollars (\$150,000) for each regular school year for~~*
29 *each middle or junior high school.*

30 ~~(2)~~
31 (D) *For large schools, the maximum total grant amounts*
32 *described in ~~paragraph (1)~~ subparagraph (C) may be increased*
33 *based on the following formulas, up to a maximum amount of*
34 *twice the respective limits specified in ~~paragraph (1)~~*
35 *subparagraph (C):*

36 ~~(A)~~
37 (i) *For elementary schools, multiply ~~seventy-five dollars (\$75)~~*
38 *~~one hundred thirteen dollars (\$113)~~ by the number of pupils*
39 *enrolled at the schoolsite for the normal schoolday program that*
40 *exceeds 600.*

1 ~~(B)~~

2 (ii) For middle schools, multiply ~~seventy-five dollars (\$75)~~
3 *one hundred thirteen dollars (\$113)* by the number of pupils
4 enrolled at the schoolsite for the normal schoolday program that
5 exceeds 900.

6 ~~(3)~~

7 (E) The maximum total grant amounts set forth in
8 ~~subparagraph (B) of paragraph (1) and in paragraph (2)~~
9 *subparagraphs (C) and (D)* may be increased from any funds
10 made available for this purpose in the annual Budget Act for
11 participating schools that have pupils on waiting lists for the
12 program. Grants may be increased by ~~the lesser of an amount that~~
13 *is either not more than 25 percent of the current otherwise*
14 *applicable maximum total grant amount or equal to the*
15 *proportion of pupils unserved by the program as measured by*
16 *documented waiting lists as of January 1, 2001, compared to the*
17 *actual after school enrollment on the same date. Matching fund*
18 *requirements shall be increased accordingly under subparagraph*
19 *(C) or (D).*

20 ~~(4)~~

21 (2) A school that establishes a program pursuant to this ~~article~~
22 *section* is eligible to receive a supplemental grant to operate the
23 program during any combination of summer, intersession, or
24 vacation periods for a maximum of the lesser of the following
25 amounts:

26 (A) ~~Five dollars (\$5)~~ *Seven dollars and fifty cents (\$7.50)* per
27 day per pupil.

28 (B) Thirty percent of the total grant amount awarded to the
29 school per school year pursuant to ~~this subdivision~~ *subparagraph*
30 *(C) or (D) of paragraph (1).*

31 ~~(5)~~

32 (3) (A) Each program shall provide at least ~~50~~ 33.3 percent
33 cash or in-kind local matching funds from the school district,
34 governmental agencies, community organizations, or the private
35 sector for each dollar received in grant funds. Neither facilities
36 nor space usage may fulfill the match requirement.

37 (B) *Notwithstanding subparagraph (A), a program that is*
38 *unable to obtain all or any portion of the required match may use*
39 *facilities costs to fulfill the match requirement, if the grantee*
40 *provides a statement certified by the superintendent of the local*

1 *educational agency or his or her designee, or the appropriate*
2 *legal representative of the city or county, that identifies the*
3 *efforts undertaken to meet the match requirement.*

4 (4) (A) The department may ~~reimburse fund~~ a program
5 grantee for up to 125 percent of the maximum total grant amount
6 for an individual school, so long as the maximum total grant
7 amount for all school programs administered by the program
8 grantee is not exceeded.

9 ~~(B) In order to be eligible for reimbursement, a~~ A program
10 grantee that transfers funds ~~for purposes of administering a~~
11 ~~program established pursuant to this article under subparagraph~~
12 (A) shall have an established waiting list for enrollment, and may
13 transfer only from another school program that has met a
14 minimum of ~~70~~ 75 percent of its attendance goal.

15 (b) The administrator of ~~a program~~ *an after school program*
16 *component* established pursuant to this article may supplement,
17 but not supplant, existing funding for after school programs with
18 grant funds awarded pursuant to this article. State categorical
19 funds for remedial education activities shall not be eligible as
20 matching funds for those after school programs.

21 (c) Up to 15 percent of the initial year's grant amount for each
22 grant recipient may be utilized for startup costs. Under no
23 circumstance shall funding for startup costs result in an increase
24 in the grant recipient's total funding above the approved grant
25 amount.

26 SEC. 31. Section 8483.75 of the Education Code is amended
27 to read:

28 8483.75. (a) (1) (A) Every school that establishes a before
29 school program component pursuant to ~~Section 8483.1 of this~~
30 ~~article is eligible to receive a three-year renewable incentive~~
31 ~~grant, that shall be awarded in three one-year increments and is~~
32 ~~subject to annual semi-annual attendance reporting and~~
33 ~~recertification as required by the department, for either of the~~
34 ~~following, as selected by the school:~~ (i) *The department shall*
35 *adjust the grant level of any school within the program that is*
36 *unable to attain its targeted attendance level by more than 10*
37 *percent in each of two consecutive years.*

38 (ii) *In any year that the actual attendance level of a school*
39 *within the program falls below 75 percent of the target*
40 *attendance level, the department shall perform a review of the*

1 program and adjust the grant level as the department deems
2 appropriate.

3 (iii) Notwithstanding any other provision of law, the
4 department may terminate the grant of any school within the
5 program in which the actual attendance level falls below 75
6 percent of the target attendance level.

7 (iv) The department may terminate the grant of any school
8 within the program that consistently fails to improve pupil
9 achievement of participating pupils in English, language arts,
10 and mathematics, as measured under the Standardized Testing
11 and Reporting Program.

12 (v) The department may terminate the grant of any school within
13 the program that fails to improve the achievement of
14 participating pupils in English language proficiency for three
15 consecutive years, as measured by the English language
16 development test established under Section 60810.

17 (vi) Academic improvement in English, language arts, and
18 mathematics may each be demonstrated using performance levels
19 from the Standardized Testing and Reporting Program by
20 compliance with any of the following:

21 (I) The grantee documents that the percentage of pupils
22 performing at the Far Below Basic level declined by a minimum
23 of 2 percent.

24 (II) The grantee documents that the percentage of pupils
25 performing above the Far Below Basic and Below Basic levels
26 increased by a minimum of 2 percent.

27 (III) The grantee documents that the percentage of pupils who
28 performed at or above the Basic level increased by a minimum of
29 2 percent.

30 (IV) The grantee documents that pupils participating in the
31 program performed better in a year-to-year comparison of the
32 results of the Standardized Testing and Reporting Program than
33 their peers who were not participating in the program.

34 (B) Grant levels, and grant level adjustments performed under
35 subparagraph (A), shall be based upon either of the following, as
36 selected by the school:

37 (i) Up to ~~three dollars and thirty-three cents (\$3.33)~~ five
38 dollars (\$5) per day per pupil for a two hour program, if the
39 program serves pupils in elementary, middle, or junior high
40 school. Per pupil ~~reimbursement~~ rates shall be reduced on a

prorated basis for those programs which operate for less than two hours per regular schoolday. The rate shall be determined by multiplying ~~3.33~~ 5.0 by the fraction represented by dividing the minutes of operation per day by 120.

(ii) ~~Three dollars and thirty-three cents (\$3.33)~~ *Five dollars (\$5)* per pupil for each two hours of pupil attendance, with a maximum total reimbursement of ~~sixteen dollars and sixty-five cents (\$16.65)~~ *twenty-five dollars (\$25)* per pupil per week, if the program serves pupils in middle or junior high school. ~~To receive reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent. Approval by the Superintendent shall be based on program results.~~

~~(B)~~

(C) The maximum total grant amount awarded annually pursuant to this paragraph shall be ~~twenty-five thousand dollars (\$25,000)~~ *thirty-seven thousand five hundred dollars (\$37,500)* for each regular school year for each elementary school and ~~thirty-three thousand dollars (\$33,000)~~ *forty-nine thousand dollars (\$49,000)* for each regular school year for each middle or junior high school.

~~(2)~~

(D) For large schools, the maximum total grant amounts described in ~~paragraph (1)~~ *subparagraph (C)* may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in ~~paragraph (1)~~ *subparagraph (C)*:

~~(A)~~

(i) For elementary schools, multiply ~~fifty dollars (\$50)~~ *seventy-five dollars (\$75)* by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

~~(B)~~

(ii) For middle schools, multiply ~~fifty dollars (\$50)~~ *seventy-five dollars (\$75)* by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

~~(3)~~

(2) A school that establishes a program pursuant to this ~~article~~ *section* is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or

1 vacation periods for a maximum of the lesser of the following
2 amounts:

3 ~~(A) Three dollars and thirty-three cents (\$3.33)~~ *Five dollars*
4 *(\$5) per day per pupil.*

5 ~~(B) Thirty percent of the total grant amount awarded to the~~
6 ~~school per school year pursuant to this subdivision~~
7 ~~subparagraphs (C) and (D) of paragraph (1).~~

8 ~~(4)~~

9 ~~(3) (A) Each program shall provide at least 5033.3 percent~~
10 ~~cash or in-kind local matching funds from the school district,~~
11 ~~governmental agencies, community organizations, or the private~~
12 ~~sector for each dollar received in grant funds. Neither facilities~~
13 ~~nor space usage may fulfill the match requirement.~~

14 ~~(B) Notwithstanding subparagraph (A), a program that is~~
15 ~~unable to obtain all or any portion of the required match may use~~
16 ~~facilities costs to fulfill the match requirement, if the grantee~~
17 ~~provides a statement certified by the superintendent of the local~~
18 ~~educational agency or his or her designee, or the appropriate~~
19 ~~legal representative of the city or county, that identifies the~~
20 ~~efforts undertaken to meet the match requirement.~~

21 ~~(5)~~

22 ~~(4) (A) The department may reimburse fund a program~~
23 ~~grantee for up to 125 percent of the maximum total grant amount~~
24 ~~for an individual school, so long as the maximum total grant~~
25 ~~amount for all school programs administered by the program~~
26 ~~grantee is not exceeded.~~

27 ~~(B) In order to be eligible for reimbursement, a A program~~
28 ~~grantee that transfers funds for purposes of administering a~~
29 ~~program established pursuant to this article under subparagraph~~
30 ~~(A) shall have an established waiting list for enrollment, and may~~
31 ~~transfer only from another school program that has met a~~
32 ~~minimum of 70 75 percent of its attendance goal.~~

33 ~~(b) The administrator of a before school program component~~
34 ~~established pursuant to this article may supplement, but not~~
35 ~~supplant, existing funding for before school programs with grant~~
36 ~~funds awarded pursuant to this article. State categorical funds for~~
37 ~~remedial education activities shall are not be eligible as matching~~
38 ~~funds for those before school programs components.~~

39 ~~(c) Up to 15 percent of the initial year's grant amount for each~~
40 ~~grant recipient may be utilized for startup costs. Under no~~

1 circumstance shall funding for startup costs result in an increase
2 in the grant recipient's total funding above the approved grant
3 amount.

4 SEC. 32. Section 8483.8 of the Education Code is repealed.

5 ~~8483.8. In any fiscal year, if a program participant receives~~
6 ~~state funds to operate a program pursuant to this article that are in~~
7 ~~an amount in excess of the amount warranted, due to the program~~
8 ~~serving fewer pupils than planned, to raising an inadequate~~
9 ~~amount of matching funds, or for any other reason, the State~~
10 ~~Department of Education shall reduce any subsequent allocations~~
11 ~~by an amount equal to that overpayment. If the program~~
12 ~~participant discontinues participation in the program and no~~
13 ~~allocations are made after the determination that an overpayment~~
14 ~~has been made, the State Department of Education shall take the~~
15 ~~following action:~~

16 ~~(a) In the case of local education agencies, the State~~
17 ~~Department of Education shall bill the agencies for the amount of~~
18 ~~the overpayment. If payment is not received within three months~~
19 ~~of the billing invoice date, an amount equal to the amount of the~~
20 ~~overpayment shall be withheld from the next principal~~
21 ~~apportionment to the agency.~~

22 ~~(b) In the case of entities other than local education agencies,~~
23 ~~the State Department of Education shall bill the entities for the~~
24 ~~amount of the overpayment, and pursue appropriate legal~~
25 ~~remedies if not paid.~~

26 SEC. 33. Section 8483.9 of the Education Code, as added by
27 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

28 ~~8483.9. (a) A program participant receiving funding pursuant~~
29 ~~to this article may expend on indirect costs no more than the~~
30 ~~lesser of the following:~~

31 ~~(1) The school district's indirect cost rate, as approved by the~~
32 ~~State Department of Education for the appropriate fiscal year.~~

33 ~~(2) Five percent of the state program funding received~~
34 ~~pursuant to this article.~~

35 ~~(b) A program participant receiving state funding pursuant to~~
36 ~~this article may expend no more than 15 percent of that funding~~
37 ~~on administrative costs. For purposes of this section,~~
38 ~~administrative costs shall include indirect costs, as described in~~
39 ~~subdivision (a).~~

~~(e) A program participant receiving state funding pursuant to this program shall ensure that no less than 85 percent of that funding is allocated to schoolsites for direct services to pupils.~~

SEC. 34. Section 8483.9 of the Education Code, as added by Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

~~8483.9. (a) A program participant receiving funding pursuant to this article may expend on indirect costs no more than the lesser of the following:~~

~~(1) The school district's indirect cost rate, as approved by the State Department of Education for the appropriate fiscal year.~~

~~(2) Five percent of the state program funding received pursuant to this article.~~

~~(b) A program participant receiving state funding pursuant to this article may expend no more than 15 percent of that funding on administrative costs. For purposes of this section, administrative costs shall include indirect costs, as described in subdivision (a).~~

~~(e) A program participant receiving state funding pursuant to this program shall ensure that no less than 85 percent of that funding is allocated to schoolsites for direct services to pupils.~~

SEC. 35. Section 8483.9 of the Education Code, as amended by Section 6 of Chapter 553 of the Statutes of 2005, is amended to read:

8483.9. (a) A ~~program participant~~ *grantee* receiving funding pursuant to this article may expend on indirect costs no more than the lesser of the following:

(1) The ~~school district's~~ *grantee's* indirect cost rate, as approved by the department for the appropriate fiscal year.

(2) Five percent of the state program funding received pursuant to this article.

(b) A ~~program participant~~ *grantee* receiving state funding pursuant to this article may expend no more than 15 percent of that funding on administrative costs, ~~which funding need not be earned through pupil attendance~~. For purposes of this section, administrative costs shall include indirect costs, as described in subdivision (a).

(c) A ~~program participant~~ *grantee* receiving state funding pursuant to this program shall ensure that no less than 85 percent of that funding is allocated to schoolsites for direct services to pupils.

1 SEC. 36. Section 8484 of the Education Code is repealed.

2 ~~8484. As required by the State Department of Education,~~
3 ~~programs established pursuant to this article shall submit annual~~
4 ~~outcome based data for evaluation, including measures for~~
5 ~~academic performance, attendance, and positive behavioral~~
6 ~~changes. The State Department of Education may consider these~~
7 ~~outcomes when determining eligibility for grant renewal.~~

8 SEC. 37. Section 8484.5 of the Education Code, as added by
9 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

10 ~~8484.5. (a) All school-based before and after school~~
11 ~~programs established pursuant to Section 8481 that are in~~
12 ~~operation on the date of the enactment of the act adding this~~
13 ~~section shall elect one of the following options on or before July~~
14 ~~1, 1999:~~

15 ~~(1) Continuing operation as a schoolage community child care~~
16 ~~services program pursuant to the remaining operative provisions~~
17 ~~of Article 22 (commencing with Section 8460):~~

18 ~~(2) Operating as an After School Learning and Safe~~
19 ~~Neighborhoods Partnerships Program pursuant to this article.~~

20 ~~(b) It is the intent of the Legislature that any appropriation for~~
21 ~~programs established pursuant to Section 8481 be redirected to~~
22 ~~the appropriation made for programs established pursuant to~~
23 ~~Article 22 (commencing with Section 8460) or to the~~
24 ~~appropriation made for programs established pursuant to this~~
25 ~~article. The State Department of Education shall report the~~
26 ~~amounts that shall be redirected pursuant to this subdivision to~~
27 ~~the Department of Finance for approval and adjustment of the~~
28 ~~budget. The Controller shall adjust the appropriation amounts in~~
29 ~~accordance with budget revisions approved for this purpose by~~
30 ~~the Department of Finance.~~

31 SEC. 38. Section 8484.5 of the Education Code, as added by
32 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

33 ~~8484.5. (a) All school-based before and after school~~
34 ~~programs established pursuant to Section 8481 that are in~~
35 ~~operation on the date of the enactment of the act adding this~~
36 ~~section shall elect one of the following options on or before July~~
37 ~~1, 1999:~~

38 ~~(1) Continuing operation as a schoolage community child care~~
39 ~~services program pursuant to the remaining operative provisions~~
40 ~~of Article 22 (commencing with Section 8460):~~

~~(2) Operating as an After School Learning and Safe Neighborhoods Partnerships Program pursuant to this article.~~

~~(b) It is the intent of the Legislature that any appropriation for programs established pursuant to Section 8481 be redirected to the appropriation made for programs established pursuant to Article 22 (commencing with Section 8460) or to the appropriation made for programs established pursuant to this article. The State Department of Education shall report the amounts that shall be redirected pursuant to this subdivision to the Department of Finance for approval and adjustment of the budget. The Controller shall adjust the appropriation amounts in accordance with budget revisions approved for this purpose by the Department of Finance.~~

SEC. 39. Section 8484.5 of the Education Code, as added by Section 2 of Chapter 320 of the Statutes of 1998, is repealed.

~~8484.5. (a) All school-based before and after school programs established pursuant to Section 8481 that are in operation on the date of the enactment of the act adding this section shall elect one of the following options on or before July 1, 1999:~~

~~(1) Continuing operation as a schoolage community child care services program pursuant to the remaining operative provisions of Article 22 (commencing with Section 8460);~~

~~(2) Operating as an After School Learning and Safe Neighborhoods Partnerships Program pursuant to this article.~~

~~(b) It is the intent of the Legislature that any appropriation for programs established pursuant to Section 8481 be redirected to the appropriation made for programs established pursuant to Article 22 (commencing with Section 8460) or to the appropriation made for programs established pursuant to this article. The State Department of Education shall report the amounts that shall be redirected pursuant to this subdivision to the Department of Finance for approval and adjustment of the budget. The Controller shall adjust the appropriation amounts in accordance with budget revisions approved for this purpose by the Department of Finance.~~

SEC. 40. Section 8484.6 of the Education Code is amended to read:

8484.6. (a) Programs established pursuant to this article may be conducted upon the grounds of a community park,

1 recreational facility, or other site, as approved by the ~~State~~
2 ~~Department of Education~~ *department* in the grant application
3 process. Offsite programs shall align the educational and literacy
4 ~~component~~ *element* of the program with participating pupils'
5 regular school programs. ~~No~~ A program located off school
6 grounds shall *not* be approved, unless safe transportation is
7 provided to the pupils enrolled in the program. Any reference to
8 schoolsite as a physical location in this article shall mean
9 schoolsite or other site as provided by this section.

10 (b) An offsite program conducted pursuant to this section shall
11 comply with all statutory and regulatory requirements that are
12 applicable to similar programs conducted on the schoolsite.

13 SEC. 41. Section 8484.7 of the Education Code is amended to
14 read:

15 8484.7. It is the intent of the Legislature that the 21st Century
16 Community Learning Centers program contained within the
17 federal No Child Left Behind Act of 2001 (P.L. 107-110)
18 complement the After School Education and Safety Program
19 established by Article 22.5 (commencing with Section 8482) ~~to~~
20 ~~provide the local flexibility needed to implement federal 21st~~
21 ~~Century Community Learning Centers programs through direct~~
22 ~~grants as specified in this article.~~

23 SEC. 42. Section 8484.75 of the Education Code is amended
24 to read:

25 8484.75. The requirements of the After School Education and
26 Safety Program described in Article 22.5 (commencing with
27 Section 8482), apply to the program established by this article,
28 with the following exceptions, as applicable:

29 (a) Sections 8482.5, 8482.55, 8483.5, 8483.55, *and* 8483.6;
30 ~~8483.7, 8483.75, and 8484.5~~, do not apply to this article.

31 (b) Any provision of Article 22.5 (commencing with Section
32 8482) that is in conflict with, or duplicative of, any provision of
33 this article.

34 (c) Any provision that is in conflict with applicable federal law
35 or regulations.

36 SEC. 43. Section 8484.8 of the Education Code is amended to
37 read:

38 ~~8484.8. In accordance with Part B of Title IV of the federal~~
39 ~~No Child Left Behind Act of 2001 (P.L. 107-110), funds~~
40 ~~appropriated in Item 6110-197-0890 of Section 2.00 of the~~

1 Budget Act of 2002 are available for expenditure as follows, with
2 any subsequent allocations for these purposes to be determined in
3 the annual Budget Act:

4 ~~(a) The amount of one million dollars (\$1,000,000) shall be~~
5 ~~available to the department for purposes of providing technical~~
6 ~~assistance, evaluation and training services, for carrying out~~
7 ~~programs related to 21st Century Community Learning Center~~
8 ~~programs.~~

9 *(a) In accordance with Part B of Title IV of the federal No*
10 *Child Left Behind Act of 2001 (P.L. 107-110), funds may be*
11 *appropriated for the following purposes in the annual Budget*
12 *Act:*

13 *(1) Support for the department for the purposes of awarding*
14 *and monitoring grants for programs under this article.*

15 *(2) Contractual services to provide technical assistance,*
16 *evaluation, and training services for programs under this article.*

17 ~~(b) (1) An amount of up to three million five hundred~~
18 ~~thousand dollars (\$3,500,000) shall be available for direct~~

19 *(3) (A) Access grants, in an amount not to exceed twenty-five*
20 *thousand dollars (\$25,000) per site, per year, for community*
21 *learning center programs that serve middle and elementary*
22 *school pupils for providing to provide equitable access to, and*
23 *participation in, community learning center programs, according*
24 *to needs determined by the local community.*

25 ~~(2)~~
26 *(B) The department shall determine the eligibility*
27 *requirements for eligibility for a grant under this subdivision*
28 *paragraph, consistent with the following:*

29 ~~(A)~~
30 *(i) Consistent with the local partnership approach inherent in*
31 *Article 22.5 (commencing with Section 8482), grants awarded*
32 *under this subdivision paragraph shall provide supplemental*
33 *assistance to programs. It is not intended that a grant fund the full*
34 *anticipated costs of the services provided by a community*
35 *learning center program.*

36 ~~(B) In determining the need for a grant pursuant to this~~
37 ~~subdivision, the~~

38 *(ii) The department shall base its determination on a needs*
39 *assessment and a determination that existing resources are not*
40 *available to meet these needs, including, but not limited to, a*

1 description of how the needs, strengths, and resources of the
2 community have been assessed, currently available resources,
3 and the justification for additional resources for that purpose.

4 ~~(C)~~

5 (iii) The department shall award grants for a specific purpose,
6 as justified by the applicant.

7 ~~(3)~~

8 (C) To be eligible to receive a grant under this ~~subdivision~~
9 *paragraph*, the designated public agency representative for the
10 applicant shall certify that an annual fiscal audit will be
11 conducted and that adequate, accurate records will be kept. In
12 addition, each applicant shall provide the department with the
13 assurance that funds received under this ~~subdivision~~ *paragraph*
14 are expended only for those services and supports for which they
15 are granted. The department shall require grant recipients to
16 submit annual budget reports, and the department may withhold
17 funds in subsequent years if ~~direct access~~ grant funds are
18 expended for purposes other than as awarded.

19 ~~(e) Up to one million dollars (\$1,000,000) shall be available~~
20 ~~for direct~~

21 (4) *Literacy grants of up to twenty thousand dollars (\$20,000)*
22 *per site, per year, for providing family literacy services only to*
23 *those schoolsites that identify such a need for families of 21st*
24 *Century Community Learning Center program pupils, and that*
25 *demonstrate a fiscal hardship by certifying that existing resources*
26 *including, but not limited to, funding for Title III of the No Child*
27 *Left Behind Act of 2001, Chapter 3 (commencing with Section*
28 *300) of Part 1, adult education, community college, and the*
29 *federal Even Start Program are not available or are insufficient to*
30 *serve these families. An assurance that the funds received under*
31 *this ~~subdivision~~ paragraph are expended only for those services*
32 *and supports for which they were granted shall be required. The*
33 *department shall require grant recipients to submit annual*
34 *budget reports, and the department may withhold funds in*
35 *subsequent years if literacy grant funds are expended for*
36 *purposes other than as granted.*

37 ~~(d) Of the remaining funds in Item 6110-197-0890 of Section~~
38 ~~2.00 of the Budget Act of 2002, two million five hundred~~
39 ~~thousand dollars (\$2,500,000) shall be~~

1 (5) *Core grants* allocated on a priority basis ~~for grants to~~
2 community learning center programs serving high school pupils;
3 ~~and the remainder of this amount shall be allocated on a priority~~
4 ~~basis for programs for under Article 19 (commencing with~~
5 ~~Section 8420), and then to programs serving middle and~~
6 elementary school pupils.

7 (e)

8 (b) Grant awards under this section shall be restricted to those
9 applications that propose primarily to serve pupils that attend
10 schoolwide programs, as described in Title I of the No Child Left
11 Behind Act of 2001. Competitive priority shall be given to
12 applications that propose to serve children and youth in schools
13 designated as being in need of improvement under subsection (b)
14 of Section 6316 of Title 20 of the United States Code, and that
15 ~~are jointly submitted by school districts and community-based~~
16 ~~organizations consistent with federal law. Applications to serve~~
17 ~~pupils in programs that have received grants under Article 22.5~~
18 ~~(commencing with Section 8482) shall be funded only when~~
19 ~~proposing to expand in additional sites or to add pupils to a~~
20 ~~currently funded site.~~

21 (f)

22 (c) (1) ~~Core funding~~ grants for programs serving middle and
23 elementary school pupils in before and after school programs
24 shall be allocated as follows:

25 (A) For after school programs, seven dollars and fifty cents
26 (\$7.50) per pupil, per day, ~~up to with a minimum grant of fifty~~
27 ~~thousand dollars (\$50,000) and~~ a maximum grant of one hundred
28 twelve thousand five hundred dollars (\$112,500) for each regular
29 school year for each elementary school, and ~~a maximum grant of~~
30 one hundred fifty thousand dollars (\$150,000) for each regular
31 school year for each middle or junior high school.

32 (B) For before school programs, five dollars (\$5) per pupil, per
33 day, up to a maximum grant of thirty-seven thousand five
34 hundred dollars (\$37,500) for each regular school year for each
35 elementary school, and forty-nine thousand dollars (\$49,000) for
36 each regular school year for each middle or junior high school.

37 (2) For an after school component of a program, the maximum
38 total grant amount described in subparagraph (A) of paragraph
39 (1) may be increased up to a maximum amount of twice the

1 respective limits specified in that subparagraph, in accordance
2 with the following:

3 (A) For elementary schools, one hundred thirteen dollars
4 (\$113) per pupil, only for each pupil that exceeds 600 pupils
5 enrolled at the schoolsite for the normal schoolday program.

6 (B) For middle schools, one hundred thirteen dollars (\$113)
7 per pupil, only for each pupil that exceeds 900 pupils enrolled at
8 the schoolsite for the normal schoolday program.

9 (3) For a before school component of a program, the
10 maximum total grant amount described in subparagraph (B) of
11 paragraph (1) may be increased up to a maximum amount of
12 twice the respective limits specified in that subparagraph, in
13 accordance with the following:

14 (A) For elementary schools, seventy-five dollars (\$75) per
15 pupil, only for each pupil that exceeds 600 pupils enrolled at the
16 schoolsite for the normal schoolday program.

17 (B) For middle schools, seventy-five dollars (\$75) per pupil,
18 only for each pupil that exceeds 900 pupils enrolled at the
19 schoolsite for the normal schoolday program.

20 (4) A school that establishes an after school component of a
21 program pursuant to this article is eligible to receive a
22 supplemental grant to operate the program during any
23 combination of summer, intersession, or vacation periods for a
24 maximum of the lesser of the following amounts:

25 (A) Seven dollars and fifty cents (\$7.50) per day per pupil.

26 (B) Thirty percent of the total grant amount awarded to the
27 school per school year pursuant to this subdivision.

28 (5) A school that establishes a before school component of a
29 program pursuant to this article is eligible to receive a
30 supplemental grant to operate the program during any
31 combination of summer, intersession, or vacation periods for a
32 maximum of the lesser of the following amounts:

33 (A) Five dollars (\$5) per day per pupil.

34 (B) Thirty percent of the total grant amount awarded to the
35 school per school year pursuant to this subdivision.

36 (6) (A) The department may ~~reimburse~~ *fund* a program grantee
37 for up to 125 percent of the maximum total grant amount for an
38 individual school, so long as the maximum total grant amount for
39 all school programs administered by the program grantee is not
40 exceeded.

~~(B) In order to be eligible for reimbursement, a A program grantee that borrows funds for purposes of administering a program established pursuant to this article shall have an established waiting list for enrollment and may borrow only from another program grantee transfers funds under subparagraph (A) shall have an established waiting list for enrollment and may transfer only from another school program that has met a minimum of 70 75 percent of its attendance goal.~~

(7) (A) Funding for a grant shall be allocated in annual increments for a period not to exceed five years. The department shall notify new grantees, whose grant awards are contingent upon the appropriation of funds for those grants, in writing no later than June 15 of each year in which new grants are awarded. A first year grant award shall be made no later than 60 days after enactment of the annual Budget Act and any authorizing legislation. A grant award for the second and subsequent fiscal years shall be made no later than 30 days after enactment of the annual Budget Act and any authorizing legislation. The grantee shall notify the department in writing of its acceptance of the grant.

(B) For the first year of a grant, the department shall allocate ~~15 percent of the grant for that year no later than 30 days after the grantee accepts the grant. For the second and subsequent years of the grant, the department shall allocate 15 percent of the grant for that year no later than 30 days after the annual Budget Act becomes effective. This 15 percent amount is to be used by a grantee for administrative costs and need not be earned through pupil attendance the grant not later than 30 days after the grantee submits the grant award acceptance letter to the department. For the second and subsequent years of the grant, the department shall allocate the grant for that year not later than 30 days after the annual Budget Act becomes effective. The grantee shall not use more than 15 percent of an annual grant for administrative costs.~~

(C) Notwithstanding subparagraph (B), during the 2006–07 fiscal year, the department shall allocate first-year grants not later than 60 days after the grantee submits the grant award acceptance letter to the department. For the second and subsequent years of the grant, the department shall allocate the grant for that year not later than 60 days after the annual Budget

1 *Act becomes effective. The grantee shall not use more than 15*
2 *percent of an annual grant for administrative costs.*

3 ~~(C)~~

4 ~~(D) In addition to the funding allocated pursuant to allowed~~
5 ~~for administrative costs under subparagraph (B), up to 15 percent~~
6 ~~of the initial annual grant award for each core grant recipient may~~
7 ~~be utilized for startup costs, which funding need not be earned~~
8 ~~through pupil attendance.~~

9 ~~(D)~~

10 *(E) Under no circumstance shall funding made available*
11 *pursuant to subparagraphs (B) and (C), (C), and (D) result in an*
12 *increase in the total funding of a grantee above the approved*
13 *grant amount.*

14 ~~(E) Payments to a grantee shall be based on quarterly pupil~~
15 ~~attendance and expenditure reports, as required by the~~
16 ~~department. If a report is submitted to the department in a timely~~
17 ~~manner, payments to a grantee based on that report shall be~~
18 ~~issued within 30 days if its receipt.~~

19 *(8) A grantee shall identify the federal, state, and local*
20 *programs that will be combined or coordinated with the proposed*
21 *program for the most effective use of public resources, and shall*
22 *prepare a plan for continuing the program beyond federal grant*
23 *funding.*

24 ~~(9) A grantee shall submit annual attendance data and results~~
25 ~~to facilitate evaluation and compliance in accordance with~~
26 ~~provisions established by the department. Every school that~~
27 ~~establishes a program under this article is subject to~~
28 ~~semi-annual attendance and program evaluation criteria~~
29 ~~reporting. The~~

30 *(A) The department shall adjust the grant level of any school*
31 *within the program that is unable to attain its targeted*
32 *attendance level by more than 10 percent in each of two*
33 *consecutive years.*

34 *(B) In any year that the actual attendance level of a school*
35 *within the program falls below 75 percent of the target*
36 *attendance level, the department shall perform a review of the*
37 *program and adjust the grant level as the department deems*
38 *appropriate.*

39 *(C) Notwithstanding any other provision of law, the*
40 *department may terminate the grant of any school within the*

1 *program in which the actual attendance level falls below 75*
2 *percent of the target attendance level in any grant year.*

3 *(D) The department may terminate the grant of any school*
4 *within the program that consistently fails to improve pupil*
5 *achievement in English, language arts, and mathematics, as*
6 *measured under the Standardized Testing and Reporting*
7 *Program established under Section 60640.*

8 *(E) For public schools, the department may terminate the*
9 *grant of any school within the program that fails to improve the*
10 *achievement of participating pupils in English language*
11 *proficiency for three consecutive years, as measured by the*
12 *English language development test established under Section*
13 *60810.*

14 *(F) Academic improvement in English, language arts, and*
15 *mathematics may each be demonstrated using performance levels*
16 *from the Standardized Testing and Reporting Program by*
17 *compliance with any of the following:*

18 *(i) The grantee documents that the percentage of pupils*
19 *performing at the Far Below Basic level declined by a minimum*
20 *of 2 percent.*

21 *(ii) The grantee documents that the percentage of pupils*
22 *performing above the Far Below Basic and Below Basic levels*
23 *increased by a minimum of 2 percent.*

24 *(iii) The grantee documents that the percentage of pupils who*
25 *performed at or above the Basic level increased by a minimum of*
26 *2 percent.*

27 *(iv) The grantee documents that pupils participating in the*
28 *program performed better in a year-to-year comparison of the*
29 *results of the Standardized Testing and Reporting Program than*
30 *their peers who were not participating in the program.*

31 *(10) A program receiving a grant under this—subdivision*
32 *section is not assured of grant renewal from future state or*
33 *federal funding at the conclusion of the grant period.*

34 ~~*(g) A total annual grant award for core funding and direct*~~
35 ~~*grants for a site serving elementary or middle school pupils shall*~~
36 ~~*be fifty thousand dollars (\$50,000) per year or more, consistent*~~
37 ~~*with federal requirements.*~~

38 ~~*(h) Grants for programs serving high school pupils at*~~
39 ~~*schoolsites or sites of other organizations, as determined to be*~~
40 ~~*eligible by the department and consistent with the provisions of*~~

1 the 21st Century Community Learning Centers program, shall be
2 available as an annual minimum grant of fifty thousand dollars
3 (\$50,000) per year. Grant funding above the minimum shall be
4 determined in proportion to the average daily attendance of the
5 high school program site or sites to be served and other factors
6 including, but not limited to, proposed attendance and effective
7 use of resources as determined by the department up to two
8 hundred fifty thousand dollars (\$250,000) per year for five years.
9 A grantee that establishes a high school program pursuant to this
10 subdivision shall be subject to annual reporting and
11 recertification as required by the department. After the second
12 year, the department shall reduce funding of programs in which
13 actual attendance is significantly below proposed attendance
14 levels. An evaluation of the program funded pursuant to this
15 subdivision shall be submitted no later than 180 days after the
16 completion of the second year of the program. The department
17 shall provide the results of that evaluation and work with the
18 Legislature, the Department of Finance, program providers, and
19 other interested parties to adopt or restructure a high school after
20 school program for California that is both programmatically and
21 fiscally sound. Grantees shall be eligible for fourth and fifth year
22 funding consistent with the restructured requirements. Each
23 grantee shall be required to identify the federal, state, and local
24 programs that will be combined or coordinated with the proposed
25 program for the most effective use of public resources and to
26 describe a plan for continuing the program beyond federal grant
27 funding. Grantees shall be required to submit annual attendance
28 data results to facilitate evaluation and compliance with
29 provisions established by the department. Programs receiving
30 grants under this subdivision are not assured of grant renewal
31 from future state or federal funding at the conclusion of the grant
32 period.

33 (i)

34 (d) Notwithstanding any other provision of law, and
35 contingent upon the availability of funding, the department may
36 adjust the core grant cap of any grantee based upon one or both
37 of the following:

38 (1) Amendments made to this section by the act that added this
39 subdivision chapter 555 of the statutes *Chapter 555 of the*
40 *Statutes of 2005, or any subsequent amendments thereto.*

(2) The demonstrated historical earning pattern of the grantee. If an adjustment based upon the demonstrated historical earning pattern of the grantee results in a reduction, that adjustment shall be based upon at least two years of historical earning pattern data for the affected grantee.

~~(j)~~

(e) Funds received but unexpended under this article may be carried forward to subsequent years consistent with federal requirements. ~~In year one, the full grant may be retained. Any adjustments made under subdivision (d) or paragraph (9) of subdivision (c) may also be applied to reduce the amount carried forward under this subdivision.~~

~~(k)~~

(f) This article shall be operative only to the extent that federal funds are made available *and appropriated by the Legislature* for the purposes of this article. It is the intent of the Legislature that this article not be considered a precedent for ~~general fund~~ *General Fund* augmentation of either the state administered, federally funded program of this article, or any other state funded before or after school program.

SEC. 44. Section 8484.9 of the Education Code is amended to read:

8484.9. (a) There is hereby established in the department an Advisory Committee on Before and After School Programs for the purpose of providing information and advice to the Superintendent, the Secretary for Education, and the State Board of Education regarding state and federal policy and funding issues affecting before and after school programs *authorized under Article 22.5 (commencing with Section 8482) and this article*, based on regular and systematic input from providers.

(b) The membership of the advisory committee shall consist of all of the following persons, the majority of whom shall be operators of before or after school programs:

(1) Six persons appointed by the Governor as follows:

(A) Two persons who operate an urban before or after school program.

(B) Two persons who operate a rural before or after school program.

(C) One person from a private foundation or a postsecondary academic institution.

1 (D) One person representing a unified school district.

2 (2) Two persons appointed by the Superintendent as follows:

3 (A) One person who operates a high school after school
4 program.

5 (B) One person from a private foundation or a postsecondary
6 academic institution.

7 (3) Two persons appointed by the Senate Committee on Rules
8 as follows:

9 (A) One person who operates a small elementary after school
10 program.

11 (B) One person who operates a large middle school after
12 school program.

13 (4) Two persons appointed by the Speaker of the Assembly as
14 follows:

15 (A) One person who operates a large elementary school after
16 school program.

17 (B) One person who operates a small middle school after
18 school program.

19 (5) The Secretary for Education, or his or her designee.

20 (c) The advisory committee membership shall be
21 representative of the diversity of before and after school
22 programs, regarding geography, size, and public or nonpublic
23 operation.

24 (d) The advisory committee members shall select one of its
25 members to be the chair of the committee. It is the responsibility
26 of the chair to act as the conduit between the advisory committee
27 and the Superintendent, the state board, and appropriate staff.

28 (e) The advisory committee shall nominate, and the state board
29 shall confirm, a staff member to serve as consultant to the
30 advisory committee.

31 (f) The advisory committee shall meet as frequently as
32 necessary but at least three times each year. The meetings of the
33 committee may be conducted by teleconference.

34 (g) The members of the advisory committee shall serve
35 without compensation, including *no compensation* for travel and
36 per diem expenses.

37 (h) The advisory committee shall do all of the following:

38 (1) Provide information on the status of funding provided for
39 before and after school programs in each fiscal year, including

1 the number of applications received, the number of applications
2 funded, and the amount and timing of committed funding.

3 (2) Provide recommendations on legislative and administrative
4 action needed to ensure that funding for before and after school
5 programs is allocated promptly to qualified providers of before
6 and after school programs.

7 (3) Provide information on the quality of services and
8 *program* accountability measures.

9 (4) Provide information regarding challenges faced by before
10 and after school programs that impede the provision of best
11 possible services.

12 SEC. 45. The Legislature finds and declares that this act
13 furthers the purposes of the After School Education and Safety
14 Program Act of 2002.

15 SEC. 46. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety
17 within the meaning of Article IV of the Constitution and shall go
18 into immediate effect. The facts constituting the necessity are:

19 In order to allocate funds appropriated in the Budget Act of
20 2006 for learning center programs at the earliest possible time, it
21 is necessary that this act take effect immediately.